Summary
Agriculture, Fish and Water (AFW) Process
FOTG Executive Committee Meeting #7
August 23-24, 2000

Day One

1. Welcome/Introduction

Tim welcomed everyone to the meeting and introductions were made around the room. He gave some background information as it relates to why we're here. He thanked Paul LaCroix and Philip Morley, and others, for all the work that they put into today's meeting. Tim ran down the agenda and expected outcomes/goals."

The Executive Committee discussed the minutes from the July meeting as it relates to the December meeting and option three. AFW staff were reminded to use "final draft" on summary until they are approved by the EC. At that time, they can be posted on the web site. The EC had no further comments on July's meeting summary and it is assumed that they were approved.

2. Drainage and Ditch Needs for Western WA Agriculture (Handout)

Paul LaCroix introduced the presenters: Andy Anderson, Doug Bulthuis, and Shiou Kuo.

Andy gave a PowerPoint presentation, "Flood Plain/Delta Drainage. The requirements are different, one size does not fit all!" It covered local issues like: flood plain delta areas, field soil types, rainfall, evapotranspiration, drainage patterns, placement of sump pumps, focus group process, and cover crops.

Doug presented information on the Padilla Bay Estuary Research Reserve/Experiment Station. He explained its mission, the membership of the advisory committee, the physical layout, how projects are done on the "farm" in the area of water quality (including the use of V ditches), economic impacts, and related treatments (cover crops).

Shiou shared information on pathways of residual inorganic nitrogen, in particular how it relates to cover crops (leaching issues, protection of water quality, short and long term benefits).

Paul introduced the next set of speakers, local growers Curtis Johnson, Kim Nelson, Lyle Wesen, and John Roozen.

Curtis (drainage commissioner) shared the advantages of drainage systems, defined the boundaries of his drainage area, explained his duties as a drainage commissioner, purpose/timing of ditch cleaning, the necessity of floodgates, and his thoughts on ESA.

Kim described his background as a fish biologist and what's happening in White Slough as an example of non-salmon habitat, and maintenance of canary grass in ditches.

Lyle Wesen, a local farmer and drainage/dike commissioner, shared more information concerning questions that had already been asked, i.e. tide gates/pumping during specific rainfall occurrences, salt water intrusion, zoning/farm land preservation, and runoff from development on the surrounding hills, especially during a storm event.

Bob Hart addressed sedimentation capture.

Issues identified during discussions on these issues:

- Maintaining settling basins;
- $50 an acre costs to seed cover crop, serious economic issue; offset with nitrogen from cover eliminating need for some fertilizer applied. On annual basis, very difficult to get any money for recovery;
- Seeding may have different effects for removing water different crops—"feasibility of seeding," logistical problems;
- Sub-tidal valley-change that is evolving since change in practices in the valley; dike was built in 1869;
- Time issue related to seeding and pesticides application for weeds;
- Long term benefit-building organic matter, but don't have economic impact analysis;
- Need capacity to move water in storm events;
- Frequency of maintenance depends on specific ditch characteristics;
- Invasive species-example: reed canary grass can stop drainage;
- Tide gates absolute necessity. Are there other ways to maintain hydrologic balance (fresh and salt water)?
- Question re: whether ditches would be looked at for habitat for fish;
- What are the issues of salt water intrusion into farmland? Need to leach salt out over extended time and limit crops;
- Water temperature is not an issue in the intertidal areas;
- Suburban development and impact from impervious surface (stormwater runoff) issues. Any resource money to mitigate impacts?
- Fish needs: focus on brackish water/estuarine habitat particularly for this area;
- Channelized streams-impacts of lack of "stream characteristics" that meet needs of fish;
- Are there fish present? Is there a potential for fish to be there? Is it carrying "stream water" or only farmer's ditch water?
- Water quality is important-main concern for WDF&W is temperature and sediment, there are some quantity issues with storm events;
- Screening-don't want fish going up ditches. This is a difficult problem-expensive to put appropriate screens in place ($50,000-60,000 per screen);
- May provide winter habitat for fish currently;
- Need to increase fish habitat features in order to move trend line towards recovery;
- Need to get credit for habitat that has been created?
- Would alteration or elimination of dikes eliminate the water quality/quantity problems?
- Is the goal to try and get as close to natural system as possible in an altered system? Can this be done and keep agriculture viable?
- Temperature is not an issue in lower reaches-estuary, but certainly upstream may be factor;

- Focus would be on restoration of functions in the slough, look for opportunities to enhance where practical;
- Estuary-transition zone important to fish, we have narrowed that transition zone. Length of time/distance to get there is an issue;
- How do we deal with whole landscape and what/where do we need to go/do?
- What do we protect/enhance; what we don't;
- Restoration of channel-yes, Services are interested in landscape changes (acquisition/restoration);
- Where are we going to make changes? Do we go from big picture to smaller focus?
- BMPs (FOTGs) are a part of the bigger picture landscape discussion.

3. Impacts to Salmon from Western WA Agricultural Drainage and Ditch Activities

David Brock (WDF&W) gave a presentation on natural river functions/features (diversity) and benefits to fish habitat, as they relate to restoration. Issues covered include

- Fish habitat diversity, flood attenuation, stream bank stabilization, water temperature moderation, water quality enhancement, and ground water recharge;
- Fish needs included cool, clean water, spawning gravel, rearing habitat, cover, food, and brackish water/estuarine habitat;
- Habitat complexity: stream substrate, pools, and cover;
- Impacts of Agricultural dredging: reducing spawning gravel, reduced rearing habitat pools, reduced near-shore habitat, reduced cover, decreased bank stability, increased temperature, reduced summer flows, increased winter peak flows, and diminished diversity; and
- Restoration opportunities.

Are fish in the stream or is there potential for them being there? If the answer is no, then habitat needs do not need to be addressed. In the case of V ditches, water quality (temperature and sediment) and water quantity will be the issues; fish will not survive in V ditches and should be screened out. Paul LaCroix suggested the use of electronic screens, but mentioned how costly they are.

Bob Donnelly, NMFS, presented information on estuarine near-shore habitat. Fish requirements include: good water quality, migration feeding needs, inter-tidal brackish water areas, sediment, mud flats, salt marshes, blind sloughs, eel grass, and complexity of side channels.

4. "Conservation," "Recovery," and "Take" (handout)

Gerry Jackson (USFWS) and Steve Landino (NMFS) walked us through the handout entitled, "Take Continuum for Salmonids." It is take that is prohibited by Endangered Species Act. We are looking at take associated with land management activities related to "harm." Certain amount of take is allowed, and varies by species, circumstances, etc. Acceptable level of take presumes that activities are in legal compliance with the ESA (i.e., sections 4, 7, or 10). This would lead to take permits.

Questions and answers:

- Where does mitigation come in? Looking for minimizing mitigation. Hydro system is an example of mitigating for take.
- What criteria do you use to measure whether you are inside the acceptable level "gray" box? NMFS is developing matrixes for various activities (estuarine, near-shore habitats, etc.).
- Where does mitigation apply in the "incidental take" definition?
- What physical functions are present? Need this prior to having a discussion about biological functions.

5. Looking at Existing Tools (handouts)

Frank Easter reminded us that we agreed to begin the negotiations with western WA issues. We can't modify the FOTGs until we know about "pure" drainage systems. Fish habitat components are currently not covered in existing FOTGs. The EC agreed to base the input for change on issues that will be brought forward by both of the technical team processes. Specific issues related to drainage need to be laid out so that discussions can take place prior to making changes to the FOTGs.

Sara Hemphill covered the contents of the Oregon plan. Overall, the Oregon plan is more general, large emphasis on education. It does contain a time frame. It is a proposal for a voluntary program that primarily addresses water quality issues. It is fish sensitive, but does not address ESA issues. She led us through several elements of the plan and how they relate to the AFW process:

- Enforcement through WQ standards (does not include the development of new regulations.). Oregon's Department of Ag does enforcement.
- Address many of the same issues we are looking at (e.g., pollution control, erosion control, and nutrient management.).
- A balancing act between what Ag needs vs. what fish need.
- Drainage and irrigation needs.
- Ditch maintenance/new ditches would require permits.
- Planted species-preserving natural vegetation as you are introducing non-native vegetation.
- Natural processes.

Mike Ashley walked us through the BC plan. Formalizes what's already being done. Sets up process to put the tools in place. When do you need a permit? Defines three water body classifications (page 8). Easy process to follow; easy for a farmer to figure out what he needs to do. If municipality is cleaning those ditches, so should the farmer. Mike mentioned the dispute resolution process (page 8). Reports back seem to indicate that Canadian farmers like this plan. It's been in place since 1999 in lower Fraser Valley. Last winter it went into effect on Vancouver Island.

Paul LaCroix shared the draft "Agricultural Watercourse Maintenance Policy Guidelines" emphasizing that this was a "DRAFT" only and referred to this document as a discussion draft needing lots of work. Need feedback and input – lots of discussion.

The focus is on "tidal drainage only." Reviewed the objective and clearly stated that this document only applies to western WA. Elements include waterway classification and maintenance approval options that lead to a programmatic approach. It also offers other mechanisms to address exceptions.

Identified commitment from WDFW to incorporate HPAs into this process as appropriate. Timing windows are important particularly in areas where there are late harvested crops.

The group agreed to look at developing BMPs for each of the stream and ditch activities listed in document. Here is where FOTGs and other tools can be used. (BMP issues)

How does this tie into the other biological functions needed for fish was a question asked and needs to be addressed?

Curt thanked Paul and others for providing this draft document. Now Services can provide feedback. He also clarified that under ESA you are only responsible for the things you have control over, not others' activities--example: suburban development.

Steve Landino thanked Paul and said this was clearly very helpful for Services as a basis for the beginning a good discussion/beginning point. Clear relation between this product and FOTGs. Upland runoff and how that affects solutions, might require local entities to address these problems.

Philip explained that this plan covers the process element and the practice element. On-farm practices and plan need to marry up with the FOTGs.

Need assistance determining if this would help in water quality arena.

Bill Robinson gave Paul and crew kudos, needs monitoring/compliance element; who's responsible for that? Performance, water quality, vegetation, and validation.

NMFS has some solutions/alternatives to ditch cleaning requirements.

List of activities will be expanded. Adaptive management will be considered. Need to add how biological needs fit into it.

6. Building the Tool Box: Developing an Action Plan

Tim described three possible next steps:

1) develop a state/fed technical review team (technical staff from USFWS, NMFS, EPA, NRCS, WDFW, and state leads),
2) this would evolve into an integrated AFW technical team that includes team #1 members and whom ever the Ag caucus identifies, including the tribes and enviros, and
3) develop a FOTG integration team to reconcile the FOTGs with the proposal.

Paul didn't feel that they were ready for this yet. Tim emphasized that this would be for northwest WA only. State/feds leads on the EC would determine membership of first review

team. The second one would include the membership of those who helped put the plan together and any others needed, including technical staff from other caucuses.

Paul needs to complete the local process and identify how to include the rest of the Ag caucus. His group will continue developing content. Jim Muck/Martha Jensen were identified as the fed leads for USFWS; Dale Bambrick-lead from NMFS; and Millard Deusen-lead for WDFW to pull technical staff together.

Curt sees policy issues surfacing when teams 1 and 2 begin meeting. These issues would come back to the EC.

Mike Polson would like to see the plan address only ditch maintenance issues in Skagit County, and not be inclusive. Chris Cheney agreed, stated that he would need more details before he could take it to his constituents in other areas of the state.

Steve Meyer stated that the technical issues would be the same in other areas of the state.

Tim suggested that the Ag caucus needs to more fully vet the plan before involving other areas of the state.

Karla suggested that the second team encompass the entire Ag caucus.

The EC agreed to Tim's next steps suggestion and developed a timeframe:

- First team process: meet within three weeks (needs to keep in touch with Paul's group). The team would be made up of biologists who would do a technical review (including gap analysis), provide feedback to drafters, identify policy questions that need to go back to the EC, and identify additional technical staff needed to review.
- Integrated tech team: meet during the fourth week (in advance of next EC meeting—Sept. 20, hold a date for a second meeting-25th--if needed). This group would have a thorough discussion on technical issues, with no commitment by anyone on products. Would look at areas of agreement and identify gaps.
- The work of these two teams would be brought back to EC. FOTG integration team of one (Frank) will do a first cut by mid-September. Bring this back to September EC meeting.
- Beginning immediately, caucus members will begin to share information with their constituents concerning the proposal, to discuss/identify their particular issues.

Philip Morley put permit coordination on the table as an issue that needs to be addressed, to streamline/coordinate the permit process. Gerry J. stated that this issue could be added to the list of issues they will be discussing with the Bureau of Reclamation. Inter-agency strike team item? Millard stated that they also would be looking at this issue.

Action item:
Paula/Linda will set up these technical team meetings.

7. Clean Water 101

Phil Millam (EPA) presented training on the Clean Water Act (CWA). Topics covered include:

- Acronyms
- Review of water quality standards
- Impaired waters
- Definition of a TMDL
- CWA and agriculture
- Integrating ESA and CWA

8. Passage

Dale Bambrick shared NMFS's perspective on passage/barrier removal. Not prepared to prescribe the manner of passage yet. It is known that there are fish in some constructed ditches and will need adequate habitat. Additional habitat needs are unknown. Status of fish location is available to the feds. This issue will be part of the technical team review process. Will specific habitat requirements be available in the near future? No, that will eventually show up in a recovery plan. Will be able to give you habitat needs for a particular water body concerning vegetation. Will focus on re-connecting habitat and providing sufficient habitat for fish.

Aerial photos from yesterday were very helpful. Bringing more to future meetings would be beneficial. State laws regarding passage for salmon could also come into play.

Historical stream vs. channelized stream—issue that needs to be looked at. Modified and modified natural is terminology that NMFS uses.

9. Next Meetings

The group agreed to change the location of Sept. 27th EC meeting to Mt. Vernon. Suggested agenda items: drainage/dike issues, programmatic consultations by the Services/state, and permit coordination.

Issue of harvest: WDFW volunteered to provide a training opportunity outside of EC meeting; half-day session at a central location. Perhaps designate ½ day at a regular EC meeting devoted to harvest issue (Sept. 26th in afternoon). Maybe do hatchery piece at the same time. Perhaps use TVW to capture on film to be used as informational piece. Agency Assistant Director/policy director attendance.

October 25: move location to southwest WA (Chehalis/Centralia)
    Suggested agenda topics: applying Skagit County process to other western WA counties' drainage issues
November 20-21: reduce to one day—Nov. 20, in Ellensburg
December 13: Olympia or North Bend

Agenda items will be developed prior to each meeting based on needs identified out of previous one.

Action item:

AFW staff will handle logistics for changes to meeting schedule.
AFW staff will look at setting up TVW coverage.

Meeting Handouts:

- Agenda
- Draft Summary from July 25-26 meeting
- Dun memo and accompanying information
- The Four C's (USFWS)
- FSA Press Release-CREP Offers Additional Incentives
- Flyer: Regional Watershed Roundtable, Creating a Sustainable Future for Fish, Water and People
- Basin-wide Salmon Recovery Strategy
- King County DDES matrix
- Western WA-related FOTGs
- North Coast Basin, Agriculture, Water Quality Management Area Plan (Oregon plan)
- Agricultural Watercourse Maintenance Policy Guidelines (BC plan)
- Take Continuum for Salmonids
- AFW Draft-Agriculture Watercourse Maintenance Policy Guidelines
- Draft-Primary issues identified by AFW process and associated Field Office Technical Guide Practices
- Benefits of Fall-Planted Cover Crops in the Puget Sound Row Crop Production System

PowerPoint presentation handouts:

- Clean Water Act and AFW, Water Quality Standards and TMDLs

Attendee List

Name	Representing
1. Allan, Doug	Trout Unlimited
2. Anderson, Andy	?
3. Appel, Steve	Farm Bureau
4. Ashley, Mike	SCARB
5. Bambrick, Dale	NMFS
6. Beecher, Cookson	Capitol Press
7. Belisle, Dorie	Whatcom Ag grower
8. Bierlink, Henry	WCAPC
9. Boggs, George	Whatcom County
10. Broili, Mike	Living Systems
11. Brown, Charlie	Potato Commission
12. Bulthuis, Doug	Padilla Bay Reserve, Ecology
13. Cheney, Chris	Farm Bureau
14. Cole, Wendy	Whatcom County CD
15. Crerar, Linda	WSDA
16. Davis, Tom	Staff-WA House of Representatives
17. Deusen, Millard	WDF*W
18. Doenges, Rich	Skagit County
19. Donnelly, Bob	NMFS

20. Doyle, Joan	?
21. Easter, Frank	NRCS
22. Faulconer, Lee	WSDA
23. Fullerton, Karla Kay	WA Cattlemen's Assn.
24. Granger, Pete	WF Growers Assn.
25. Hamilton, Rod	FSA
26. Hart, Bob	Skagit Co.
27. Hazen, Jim	WA State Horticultural Assn.
28. Hemphill, Sara	NRC
29. Hirst, Ken	Staff-WA State House of Representatives
30. Jackson, Gerry	USFWS
31. Jacobson, Sen. Ken	WA State Senate
32. Jensen, Martha	USFWS
33. Jesernig, Jim	WSDA
34. Johnson, Curtis	Whatcom County grower
35. Johnson, Linda	Farm Bureau
36. Kauzloric, Phil	Ecology
37. Kelly, Carolyn	Skagit Co. CD
38. Kuo, Shiou	WSU
39. LaCroix, Paul	Western WA Farm Crops Assoc.
40. Landino, Steve	NMFS
41. Lund, Hertha	Farm Bureau
42. Manary, Ed	WSCC
43. McMinds, Guy	Quinault
44. Meyer, Steve	WSCC
45. Millam, Phil	EPA
46. Monsen, Jeff	Whatcom County
47. Morley, Phillip	Snohomish Co.
48. Muck, Jim	USFWS
49. Munks, Don	?
50. Nelson, Kim	Nelson Construction
51. Nelson, Rick	WA Cattlemen's Assn.
52. Noble, Sandy	USFWS
53. Norman, Don	?
54. Poulsen, Mike	Farm Bureau
55. Reisson, John	Whatcom County grower
56. Robinson, Bill	Trout Unlimited
57. Roozen, John	WA Bulb Co. Inc./ASC
58. Rose, Bob	SPF
59. Seymour, Steve	WDF&W
60. Shultz, Ron	National Audubon
61. Smitch, Curt	Governor's Office
62. Smith, Paula	WSCC
63. Sproul, John	Whatcom Co. Water Resources
64. Stockle, Claudio	WSU
65. Thompson, Tim	Facilitator
66. Vandemoer, Kate	NMFS
67. Wasserman, Larry	SSC
68. Wesen, Lyle	Whatcom Co. Drainage/Dike Commissioner
69. Wisniewski, Veronica	Whatcom County CD/WACD
70. Zimmerman, Jim	WA State Grange